

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STENIO and RAQUEL DESOUZA,	:	
	:	
Plaintiffs,	:	
v.	:	
	:	CIVIL ACTION NO. 05-7878(SLR)
J.N. CARPENTRY, INC., et. al.,	:	
	:	
Defendants	:	JURY TRIAL DEMANDED

Plaintiff's Motion to Extend Discovery Deadline

Pursuant to Rule 16(e) of the Federal Rules of Civil Procedure, Plaintiff requests a modification of the prior Scheduling Order due to the following circumstances:

1. On October 26, 2006, this Honorable Court entered a Scheduling Order. Exhibit "A".

2. Pursuant to the Scheduling Order, reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof are due by March 15, 2007. Rebuttal expert reports are due by April 15, 2007.

3. On November 28, 2006, Plaintiffs' counsel's mother was hospitalized and has remained so to date, albeit presently in a skilled nursing facility. Her hospitalization commenced at Pennsylvania Hospital in Philadelphia until transfer to Abington Memorial Hospital on December 9, 2006 where she remained as an inpatient until Monday, January 8, 2007. On January 8, 2007, she was transferred to a skilled nursing facility. Before her hospitalization, she lived independently with her husband. Her hospitalization was related to kidney failure and multiple heart attacks.

4. On January 8, 2007, Plaintiffs' Counsel's mother, an amputee, was transferred to a skilled nursing facility. She has remained in this institution to date. Plaintiffs' Counsel has

been involved with assisting his father, age 86, in making arrangements and decisions regarding her care.

5. As a result of this personal matter, Plaintiffs' counsel has needed to adjust his practice which he has done by obtaining Court extensions in several matters. He received two extensions from the Pennsylvania Supreme Court. One of the extensions was granted nunc pro tunc. He also received other extensions from the Pennsylvania Commonwealth Court and the Lackawanna Court of Common Pleas. Notwithstanding same, he has proceeded on two civil matters, a products liability case, and a premises liability (amusement park ride) matter, in Philadelphia Common Pleas and in Federal Court for the Eastern District of Pennsylvania. The Federal matter was scheduled for trial March 5, 2007 and the Philadelphia state court matter was scheduled for trial on March 16, 2007. These matters have since resolved.

6. In the interim, Plaintiffs' counsel has received notice that Defendant JN Carpentry, Inc. will be joining a superior subcontractor for the construction project at issue in this case. This is another reason for the requested enlargement of time in regard to this above captioned matter.

7. Due to these unforeseen circumstances, Plaintiffs' counsel respectfully requests that the deadline to file reports from retained experts under Rule 26(a)(2) be extended by four months, until July 15, 2007. Plaintiffs' counsel also requests that the Court accordingly extend the deadline for rebuttal expert reports from April 15, 2007 to August 15, 2007.

8. Trial in this matter is not scheduled until October 27, 2007 and no prejudice has or will result from this requested extension of time. Should this requested extension interfere

with the aforesaid trial scheduling, Plaintiffs' counsel is unopposed to this matter being relisted for another date.

Respectfully submitted,

/s/ Gary W. Aber

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DATED: March 20, 2007

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CERTIFICATION PURSUANT TO RULE 7.1.1

The plaintiff has consulted with defense counsel, who do not object to this motions.

Respectfully submitted,

/s/ Gary W. Aber
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Order

At Wilmington, this ____ day of _____, 2007, Plaintiffs' Motion to Extend Discovery Deadline is GRANTED and it is ORDERED that reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof are due by July 15, 2007. It is FURTEHER ORDERED that rebuttal expert reports are due by August 15, 2007.

The Honorable Sue L. Robinson

PROOF OF SERVICE

This will certify that a true and correct copy of the foregoing document was served by electronic filing and first class mail, on this 20th day of March 2007, to the following:

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